IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 32858 of 2007(J)

PETITIONER:

E.SALIM, EDAMANNAL HOUSE, ORAVIL POST,
NADUVANNUR, KOZHIKODE.

BY ADV. SRI.P.V.JYOTHI PRASAD

RESPONDENTS:

---

1. KOZHIKODE CORPORATION, REPRESENTED BY
ITS SECRETARY, KOZHIKODE.

2. CORPORATION COUNCIL,
KOZHIKODE CORPORATION, KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN,SC,KOZHIKODE CORPN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C) No.32858 of 2007

- -

Dated: 10th December, 2007

JUDGMENT

The persuasive and persistent submissions of Mr.P.V.Jyothi Prasad, counsel for the petitioner notwithstanding, I do not find any infirmity about Ext.P4 order of the Corporation warranting exercise of judicial review by this court. It was pursuant to Ext.P3 judgment that the Corporation issued Ext.P4. Ext.P3 was a common judgment in two Writ Petitions, viz, W.P.C.Nos.1264 & 15152 of 2007. The present writ petitioner (E.Salim) was the petitioner in W.P.C.No.1264 of 2007. The prayer in that Writ Petition was that the application for transfer of licence issued in the name of Sudheer Babu, the petitioner in W.P.C.No.15152 of 2007 be decided with notice to the petitioner herein. On going through Ext.P3 judgment, I find that apart from observing that an interim order has been passed in favour of the present petitioner, this court has not granted any specific relief in favour of the petitioner. However, the Corporation has understood Ext.P3 as directing the Corporation to take a decision on the petitioner's grievances also. According to Mr.Jyothi Prasad, in the operative portion of Ext.P4, decision has been specifically taken only in respect of Room Nos.G21 and G22 and not in respect of G34 which is the subject matter of the room in this Writ Petition.

2. My attention was drawn by Mr.P.V.Kunhikrishnan, Standing Counsel for the Kozhikode Corporation to the last sentence in paragraph 4 of Ext.P4 wherein it is stated that separate decision has been taken on 22.2.1994 as decision No.6 by the Committee for Taxation and Finance of the Corporation rejecting the petitioner's application for transfer of licence. Mr.Jyothi Prasad would submit that the above rejection order is yet to be communicated to the petitioner. Mr.Jyothi Prasad requested that the Corporation be directed to place that rejection order before this court so as to enable the petitioner to impugn the same. I do not think that this court will be justified in passing such an order. However, in view of the assertion of Mr.Jyothi Prasad that the above rejection order is not communicated to the petitioner so far, I dispose of the Writ Petition declining the reliefs sought for, but directing the Corporation to communicate to the petitioner within one month from today the order of the Committee for Taxation and Finance dated 22.2.1994 (decision No.6) rejecting the petitioner's application for transfer of licence in respect of Room No.G34. It is open to the petitioner to avail remedies, if any, available to him on that.

srd **PIUS C.KURIAKOSE, JUDGE**